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August 26, 1955

CONCORD, N.H.

James J. Barry, Commissioner
Department of Public Welfare
State House Annex
Concord, New Hampshire

Dear Mr. Barry:

You have asked by your letter of August 23, 1955, the following question with respect to sections 15 and 16 of chapter 340 of the Revised Laws:

"In a case where there is no divorce or legal separation but an order of support exists against a parent, what is the effect of a subsequent conviction or sentence for non-compliance with the support order?"

I assume that the question is directed toward sentencing for non-compliance with an order made pursuant to section 15 itself. In that event, upon expiration of the sentence the obligations imposed by the original conviction would be satisfied. A conviction in such case is usually in the form of a jail or House of Correction sentence for a definite time suspended so long as the respondent pays a certain sum each week. When the non-compliance is had and the sum is not paid, then the suspended sentence is put into effect, and when served, the punishment is complete.

If once again the family is not supported, it would be necessary to initiate another complaint. Section 16 would have reference to any support orders in other proceedings and would not be applicable to the specific order made under section 15 for which confinement is later required.

Very truly yours,

Richard C. Duncan
Assistant Attorney General

RCD/aml